

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE T.S. WELLS,

Defendant and Debtor.

CPC LOGISTICS, INC.,
(and its Successors and Assignees)

Garnishee.

No. 2:21-mc-0286 WBS DB

**FINDINGS AND RECOMMENDATIONS FOR
FINAL ORDER OF CONTINUING
GARNISHMENT**

The Court, having reviewed its files and the United States' Request for Findings and Recommendations for Final Order of Continuing Garnishment, and good cause appearing, hereby recommends a final order of continuing garnishment be granted.

Accordingly, IT IS RECOMMENDED that:

1. The United States' Request for Findings and Recommendations for Final Order of Continuing Garnishment be GRANTED;

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2. CPC Logistics, Inc. be directed to pay the Clerk of the United States District Court twenty-five percent (25%) of Debtor Jesse T.S. Wells's ongoing and non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses;

3. CPC Logistics, Inc. be directed to pay the Clerk of the United States District Court the amount of non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of the filing of the Final Order. Payment shall be made in the form of a cashier's check, money order, or company draft, made payable to the "Clerk, District Court of Guam" and delivered to:

U.S. District Court of Guam
520 W. Soledad Ave., FL 4
Hagåtña, Guam 96910

The criminal docket number (CR-01-00009-001) shall be stated on the payment instrument.

4. The United States be entitled to recover a \$5,339.20 litigation surcharge after satisfaction of the judgment amount owed by Jesse T.S. Wells. Garnishee shall pay the litigation surcharge to the United States Department of Justice via a single payment within twenty (20) days of the garnished wages accumulating to the \$5,339.20 surcharge amount, and send the payment in the form of a cashier's check, money order, or company draft made payable to "United States Department of Justice", and delivered to:

U.S. Bank Government Lockbox
Attn: DOJ Production Manager/Box 790363
1005 Convention Plaza, SL-MO-C2G1
St. Louis, MO 93101

The payment instrument shall state "CDCS Number 2001B11682" on the face of the payment instrument;

5. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary;

6. The garnishment shall terminate when (1) the United States seeks to terminate the writ or (2) when the judgment amount and litigation surcharge are fully satisfied; and

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7. Within fourteen days of the date of these findings and recommendations the United States shall serve a copy on the Debtor and file proof of such service.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty (30) days after these findings and recommendations are filed, any party may file written objections with the court. A document containing objections should be titled "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served and filed within fourteen (14) days after service of the objections. The parties are advised that failure to file objections within the specified time may, under certain circumstances, waive the right to appeal the District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: January 18, 2022



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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